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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/698,669	10/31/2003	Bo Shen	200310013-1	1029

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EXAMINER

HO, BINH VAN

ART UNIT	PAPER NUMBER
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2163

DATE MAILED: 06/20/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/698,669

Applicant(s)

SHEN ET AL.

Examiner

Binh V. Ho

Art Unit

2163

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 7/11/2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) _____ is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 7/11/2005.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 101

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1, and 16 are rejected under 35 U.S.C. 101 because the claimed invention lacks patentable utility. Claims 1, and 16 provide comparing the size of said portion of said first content object on said proxy cache with the normally utilized size of said first content object requested, however the claims language does not present useful result.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1, 4-6, 8-10, 12, 14, 20-21 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1, it is unclear what a word "normally utilized size" refers to.

The similar deficiencies are found in claims 4-6, which requires the same clarification / correction.

In claim 8, it is unclear what a word "utility" refers to.

The similar deficiencies are found in claims 9-10, 12, 14, and 20-21, which requires the same clarification / correction.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-2, 5-6, and 15-17 are rejected under 35 U.S.C. 102(e) as being anticipated by Banga (20010020248).

(Claims 1, and 16)

Banga discloses in figures 2, and 4 a method of prioritizing content, said method comprising receiving at a proxy cache a request for a first content object; searching a data structure of said proxy cache for a portion of said first content object; calculating the size of said portion of said first content object on said proxy cache; deriving the normally utilized size of said first content object requested; and comparing the size of said portion of said first content object on said proxy cache with the normally utilized size of said first content object requested (Paragraph [0021], [0027], [0028], [0030], [0033], [0036]).

(Claims 2, 15, and 17)

Banga discloses in figures 1-2 and 4, receiving said request for said first content object from a client device/ an end user (Paragraph [0019]), [0033]).

(Claim 5)

Banga discloses in figure 6, the method comprising admitting no further portion of said first content object to said proxy cache if said normally utilized size is less than the size of said portion of said first content object on said proxy cache (Paragraph [0027]).

(Claim 6)

Banga discloses in figure 6, the method comprising admitting a further segment of said first content object to said proxy cache if said normally utilized size is greater than the size of said portion of said first content object on said proxy cache (Paragraph [0028]).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 3, 7-9, 12, 14, 18, 20-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Banga in view of Wolf (6,463,508).

(Claim 7)

Banga discloses substantially all of the elements, except checking available cache space on said proxy cache; and making room on said proxy cache. Wolf teaches

the process to check buffer space as Wolf disclosed in figure 9, col. 7. It would be obvious to one having ordinary skill in the art at the time the invention was made to check available cache space on the proxy cache to ready admit another segment.

(Claims 3, 9, 18, and 21)

Wolf teaches in figures 3-10, counting a total number of segments, measuring a length of said total number of segments, multiplying said total number of segments, segmenting said one of said other content objects and removing all segments (col. 2, 4, and 7-8).

(Claims 8, 10, 12, 14, and 20)

Wolf teaches in figures 3, 5, and 7-10, prioritizing said other content objects based on said utility value; selecting one of said other content objects with a smallest utility value; removing a lowest priority portion of said other content object with the smallest utility value on said proxy cache; and admitting said further segment of said first content object to said proxy cache (col. 2, 4, 7 and 8).

7. Claims 4, 11, 13, 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Banga in view of Grampper (6,502,106).

(Claim 11)

Banga discloses substantially all of the elements, except the access log of the proxy cache. Grampper teaches the log or directory of the proxy server (col. 11, lines 62 +). It would be obvious to one having ordinary skill in the art at the time the invention was made to use the log to maintain the information.

(Claims 4, 13, and 19)

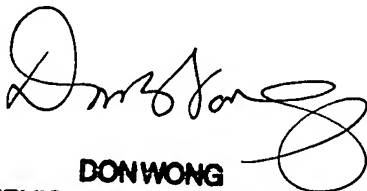
Grampper teaches the log or directory of the proxy server (col. 11, lines 62 +).

Inquiry

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Binh V. Ho whose telephone number is 571 272 8583. The examiner can normally be reached on M-F from 8:00AM - 4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Don K. Wong can be reached on 571 272 1834. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


DON WONG
SUPERVISORY PATENT EXAMINER

Binh V Ho
Examiner
Art Unit 2163